

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

COPPER VALLEY TELEPHONE  
COOPERATIVE, INC.

Employer

and

Case 19-RC-13971

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL Union 1547,  
AFL-CIO

Petitioner

**SUPPLEMENTAL DECISION ON OBJECTION  
AND CERTIFICATION OF REPRESENTATIVE**

Pursuant to a Decision and Direction of Election issued on June 15, 2000, an election by secret ballot was conducted by mail, with the ballot count held on July 27, 2000, in the following voting group of employees:

All senior network engineers, staff engineers, and information systems specialists employed by the Employer at its Valdez, Alaska, facility; but excluding all other employees and guards and supervisors as defined in the Act.

The Tally of Ballots served upon the parties at the conclusion of the ballot count set forth the following results:

Approximate number of eligible voters .....	4
Void ballots .....	0
Votes cast for IBEW Local 1547 .....	3
Votes cast against participating labor organization.....	1
Valid votes counted .....	4
Challenged ballots .....	0
Valid votes counted plus challenged ballots .....	4

On August 3, 2000, a timely objection to conduct affecting the results of the election was filed by the Employer and served upon the other parties. A copy of the objection is attached hereto and made a part hereof.

Pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, the undersigned Regional Director caused an investigation to be made of the objection to the election.

### **DISCUSSION**

The Employer objects to the conduct of the election because the Board Agent would not allow it to challenge the ballots of employees Thomas J. Riette and Danielle Bowman, and allowed their ballots to be counted. The purpose of the attempted challenges was solely the purported managerial status of Riette and Bowman.

The eligibility list submitted by the Employer contained the names, of Danielle Bowman, Gale Manning, Eric Nielsen and Thomas J. Riette.

The Employer contended at the pre-election hearing that Riette and Bowman were managerial employees, and their status was fully litigated. In the Decision and Direction of Election in this matter, I concluded that neither Riette nor Bowman is a managerial employee, and that they were to be included within the bargaining unit. No request for review of the Decision and Direction of Election was filed, the sole vehicle to pursue an appeal of my decision that they were not managerial employees. Thus, Riette and Bowman were conclusively found in the pre-election hearing to be eligible voters based upon their job classifications, and upon all the evidence adduced at the pre-election hearing.

At the time of the count of the mail ballots on July 27, 2000, the Employer attempted to challenge the ballots of Riette and Bowman. No changed circumstances were alleged then or in the objection. The Board Agent conducting the count refused to

accept the challenges because of the eligibility determinations in the Decision and Direction of Election, and counted the ballots of Riette and Bowman.

According to the Board's Casehandling Manual, Section 11338.7, "Persons in job classifications specifically included by the Decision and Direction of Election should be given a ballot and permitted to vote without challenge based upon classification, unless there have been changed circumstances." No evidence was proffered at the time of the election to indicate that the job descriptions of Riette or Bowman had changed since the time of the decision. The Employer's Objection merely re-states the Employer's position as set forth in the pre-election hearing, and amounts to an untimely Request for Review of the unchallenged Decision and Direction of Election.

### **CONCLUSION**

After careful consideration, I have not found sufficient cause to determine that I should reconsider the eligibility of the voters in question. I hereby overrule the Employer's objection in its entirety.

### **CERTIFICATION OF REPRESENTATIVE**

**IT IS HEREBY CERTIFIED** that International Brotherhood of Electrical Workers, Local 1547, AFL-CIO, has been selected by a majority of the employees in the voting group described above, as their representative for the purposes of collective bargaining, and it is certified that said labor organization may bargain for these employees as part of the group of employees that it currently represents.

The new appropriate bargaining unit now is:

All plant personnel, including journeymen, telephone foremen, apprentices, and office clerical employees, including revenue accounting/billing clerk, cashier-receptionist/service representative, relief cashier-receptionist, bookkeeper, plant records clerk, and operations/engineering clerk, and senior network engineers, staff engineers, and information systems specialists, employed by the

Employer at its Valdez and Glennallen, Alaska, facilities; but excluding all guards and supervisors as defined by the Act.

As provided in Section 102.69 of the Board's Rules and Regulations, any party may, within fourteen (14) days from the date of issuance of this Report, file with the Board in Washington, D.C., eight (8) copies of exceptions to such Report together with a supporting brief if desired. A copy of such exceptions, if filed, must be timely served upon the other parties and upon the Regional Director.

Under the provisions of Section 102.69(g) of the Board's Rules, documentary evidence, including affidavits which a party has timely submitted to the Regional Director in support of its objections or challenges and which are not included in the Report are not part of the record before the Board unless appended to the exceptions or opposition thereto which the party files with the Board. Failure to append to the submission to the Board copies of evidence timely submitted to the Regional Director shall preclude a party from relying upon that evidence in any subsequent related unfair labor practice proceeding.

**DATED** at Seattle, Washington, this 23rd day of August, 2000.

/s/ PAUL EGGERT

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Paul Eggert, Regional Director  
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